

DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS

APPLICATION FOR APPEAL

Jurisdiction: (Check One)

Submitted: Feb. 11, 2025

Delaware County

Case No.: BZA 08-25

City of Muncie

(1) Applicant: Net Lease Properties, LLC

Address: 1000 Forest Park Blvd. Suite 401 Fort Worth, TX 76110 Phone: 817-939-7231

(2) Applicant's Status: (Check the appropriate response)

(a) The applicant's name is on the deed to the property.

(b) The applicant is the contract owner of the property.

(c) Other: Owner Under Contract

(3) If Item (2)(c) is checked, please complete the following:

Owner of the property involved: Gail R. Vandusen

Owner's address: 1300 W Yale Ave, Muncie, IN 47304

(4) Record of Ownership:

Deed Book No.: Provided on separate sheet.

Page: _____

Purchase Date: _____

Legal Description: (From the Deed or Abstract)

Provided on separate sheet.

(5) Common Address of the Property Involved: (Give full street address. If no address, give geographic location such as s. side of CR 400S, 500' west of SR 3).

Provided on separate sheet.

(6) Type of Appeal: (Check the appropriate response)

(a) Request for an Appeal from the Decision of the Administrative Zoning Officer according to Article XXXII, Section 5-B-1. (Attach a copy of said decision/ruling).

(b) Request for a Special Use according to Article XXXII, Section 5-B-2.

(c) Request for a Variance according to Article XXXII, Section 5-B-3.

(7) State explanation of requested Appeal: (State what you want to do and cite the Article and Section of the Ordinance which applies and/or creates the need for this Appeal.)

Request for variances from the City of Muncie Comprehensive Zoning Ordinance, Article XXX, Section 7.D.1, to allow a 57' setback from McGalliard rather than a 20' maximum front setback/build-to line for a variance of 37' and Article XXX, Section 7.F.9, to allow the drive-thru lanes to be in front of the building rather than behind the building, all for a new coffee business on a corner lot

(8) State reasons supporting the Appeal: (If filing for a variance, refer to the attached sheet entitled "Hardship Variance" for explanation/guidance.)

The proposed redevelopment of the subject properties includes a drive-through use, which is a permitted use in the Variety Business (BV) Zoning. The corridor development standards require a 20' maximum building setback. This would require the building to be an unsafe distance from the property line to accommodate proper site circulation and drive-through use. The proposed variance is likely similar in nature to the variance requested for this requirement by the development directly to our West at 606 W McGalliard Road, which was recently granted.

(9) Present Zoning of the property: (Give exact classification)

BV, Variety Business

(10) Present use of the property:

Garage/Storage/Automotive, Tobacco/Beauty/Barber, Automotive, Tattoo Shop

(11) Describe the proposed use of the property:

7 Brew Coffee Shop

(12) Is the property:

Owner Occupied

Renter Occupied

Other: _____

- (13) Has the Applicant provided stamped, addressed envelopes to send notices of this Appeal to all property owners within 300 feet? Yes
Has the Applicant discussed this Appeal with these owners personally? No
If answer is "YES", give their attitudes toward the proposal.

- (14) Are there any restrictions, laws, covenants, governing the property which would prohibit its use for the purpose specified in this application? If answer is "YES", attach a copy.

Based on initial review of Title Commitment, none are anticipated.

- (15) Has work for which this application is being filed already started? If answer is "YES", give details.

No.

- (16) Has there been any previous appeal filed in connection with this property? If answer is "YES", give the date and the decision of the appeal.

Not to our knowledge.

- (17) If the Appeal is granted, when will work commence?

It is anticipated that construction will start in the summer/fall of 2025.

When will it be completed?

It is anticipated that construction will be completed in 2025.

- (18) If the Appeal is granted, who will operate and/or use the proposed improvement for which this application has been filed?

KMAC - 7Brew Franchisee.

Zoning Appeals Application:

(4) Record of Ownership:

3300 N Milton Street:

Instrument Number: 1972-5713; December 22, 1972

Instrument Number: 1984-2169; June 21, 1984

Legal Description: Lot Numbered Three (3) in Linden Park Fourth Addition, an addition to the City of Muncie, Indiana, as recorded in Plat Book 8, Page 10, in the office of the Recorder of Delaware County, Indiana on April 9th, 1955.

3301 N Milton Street:

Instrument Number: 1972-5713; December 22, 1972

Instrument Number: 1984-2169; June 21, 1984

Legal Description: Lot Numbered Two (2) in Linden Park Fourth Addition, an addition to the City of Muncie, Indiana, as recorded in Plat Book 8, Page 10, in the office of the Recorder of Delaware County, Indiana on April 9th, 1955.

602 W McGalliard Road:

Deed Book No.: 462

Page: 145

Purchase Date: March 28, 1966

Instrument Number: 1984-2168; June 21, 1984

Legal Description: Lot Numbered One (1) in Linden Park Fourth Addition, an addition to the City of Muncie, Indiana, as recorded in Plat Book 8, Page 10, in the office of the Recorder of Delaware County, Indiana on April 9th, 1955.

604 W McGalliard Road:

Deed Book No.: 455

Page: 126

Purchase Date: July 23, 1965

Instrument Number: 1984-2167; June 21, 1984

Legal Description: Lot Numbered Thirty-seven (37) in Linden Park Third Addition, an addition to the City of Muncie, Indiana, as recorded in Plat Book 7, Page 64, in the office of the Recorder of Delaware County, Indiana on May 10th, 1954.

(5) Common Address of the Property Involved:

3300 N Milton St. Muncie, IN 47304

3301 N Milton St. Muncie, IN 47304

602 W McGalliard Rd. Muncie, IN 47303

604 W McGalliard Rd. Muncie, IN 47303

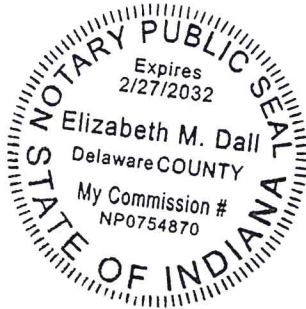
AFFIDAVIT

(I or We) Caro Van Dusen
TYPE NAME(S) OF SIGNATORIES

being duly sworn depose and say that (I or We) (am or are) the (owner[s]) (contract owner[s]) of property involved in this application and that the foregoing signatures, statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my or our) knowledge and belief.

SIGNATURES: Caro Van Dusen

Subscribed and sworn to before me this 10 day of February, 2025



Elizabeth M. Dall
Notary Public
02/27/2032
Commission Expires
Resident of Delaware County
State of Indiana

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was filed with the office of the Delaware-Muncie Metropolitan Board of Zoning Appeals in accordance with all the formal requirements and procedures.

If properly advertised by the applicant, the application will be heard in public hearing on the 27 day of March, 2025.

Signed: [Signature]
Date: 2.11.25

CONCEPTUAL SITE PLAN 2.0

3300 N Milton St
 3301 N Milton St
 602 W McGalliard Rd
 604 W McGalliard Rd
 Muncie, IN 47304

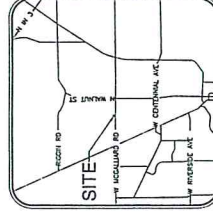


SITE NOTES:

1. SITE IS ZONED BY VARIETY BUSINESS ZONE AND R-3 RESIDENCE ZONE.
 2. BOUNDARY INFORMATION IS DRAWN PER GIS MAP.
 3. BUILDING SETBACKS AS PER CITY OF MUNCIE IN CODE (BY SETBACKS SHOWN BELOW).
- FRONT YARD = 25'
 SIDE YARD = NO MINIMUM EXCEPT WHERE BY ABUTS A RESIDENCE ZONE. NO BUILDING SHALL BE CLOSER TO ANY SIDE YARD THAN THE FRONT YARD.
 REAR YARD = AT LEAST 25% OF THE DEPTH OF THE LOT BUT NO MORE THAN 25'.

DESCRIPTION	SITE PERMITS REQUIRED	STATUS
ADDITIONAL ELECTRICAL	AC	*
UTILITY POLE	UP	**
CONCRETE DRIVE	CD	0
CONCRETE SIDEWALK	CS	0
CONCRETE CURB	CC	0
ASPHALT DRIVE	AD	0
ASPHALT SIDEWALK	AS	0
ASPHALT CURB	AC	0
CONCRETE DRIVE	CD	0
CONCRETE SIDEWALK	CS	0
CONCRETE CURB	CC	0
ASPHALT DRIVE	AD	0
ASPHALT SIDEWALK	AS	0
ASPHALT CURB	AC	0
PROPERTY ERECTION	PER	*

TRACT	IN ACRES	0.18±	0.17±	0.18±	0.18±	TOTAL TRACT	0.71±
3300 N MILTON ST (LOT 3 OF LINCOLN PARK 4TH ADD.)							
3301 N MILTON ST (LOT 2 OF LINCOLN PARK 4TH ADD.)							
602 W MCGALLIARD RD (LOT 1 OF LINCOLN PARK 4TH ADD.)							
604 W MCGALLIARD RD (LOT 37 OF LINCOLN PARK 3RD ADD.)							



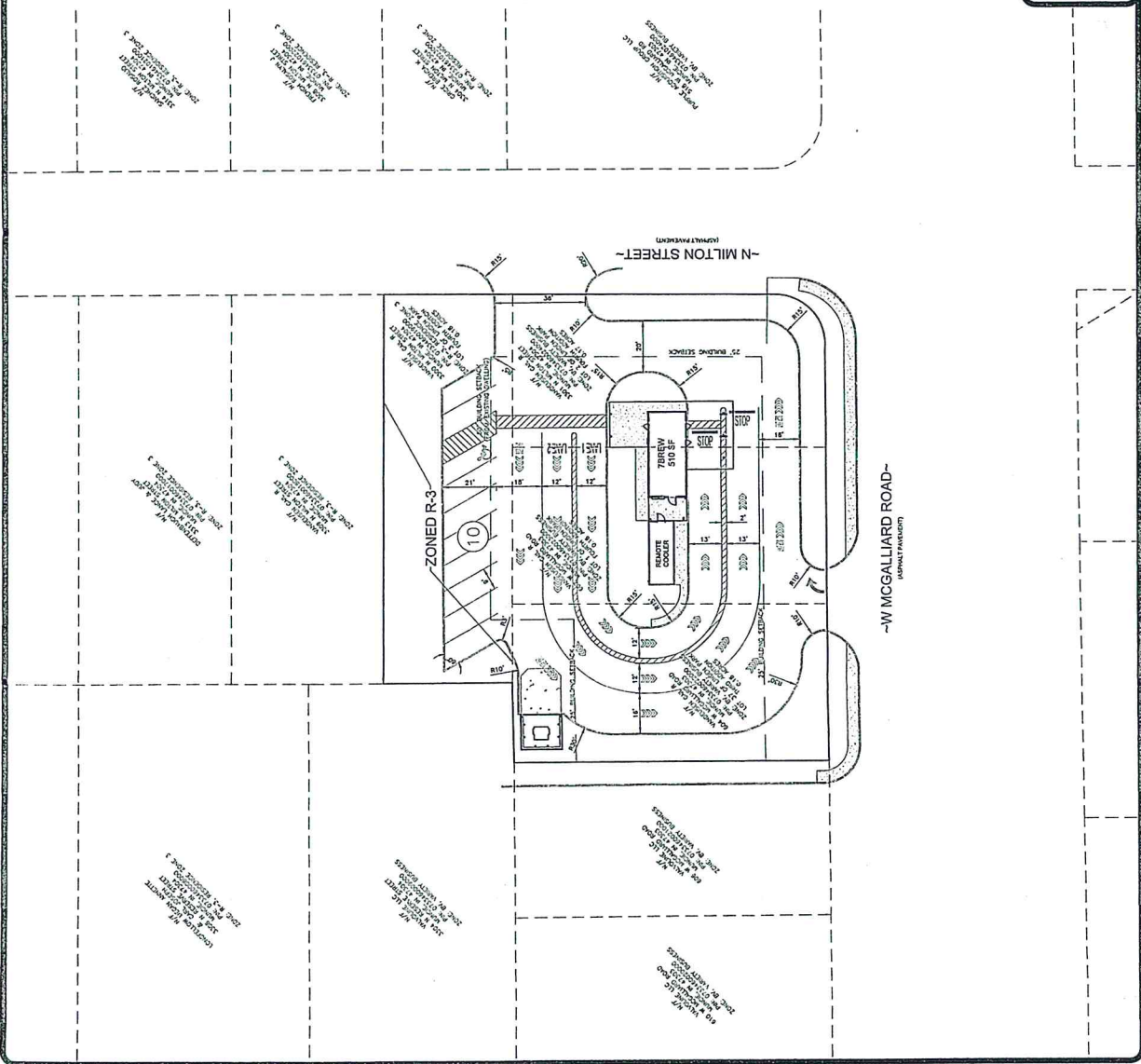
REVISIONS	NO.	DATE	BY	APP.
1				
2				
3				
4				
5				

DATE	BY	APP.
1-2-20		
1-2-20		
1-2-20		
1-2-20		
1-2-20		

PRELIMINARY DRAWING
 FOR REVIEW PURPOSES ONLY
 NOT TO BE USED FOR CONSTRUCTION

BFA
 Engineering/Surveying
 103 ELM STREET
 MUNCIE, INDIANA 47304
 TELEPHONE (848) 238-1131

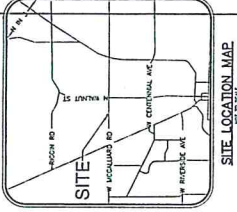
SP-1
 WORKING COPY



SITE MAP

3300 N Milton St
3301 N Milton St
602 W McGalliard Rd
604 W McGalliard Rd
Muncie, IN 47304

SITE NOTES:
1. SITE IS ZONED BY VARIETY BUSINESS ZONE AND R-3 RESIDENCE ZONE.
2. BOUNDARY INFORMATION IS DRAWN PER GS MAP.



MUNCIE, INDIANA
NET LEASE PROPERTIES, LLC
PO BOX 100843
Fort Worth, TX 76185

NO.	REVISIONS
1	Issue
2	Issue
3	Issue
4	Issue
5	Issue

DATE: 7/2/2025
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1"=40'
SHEET NAME: SITE MAP

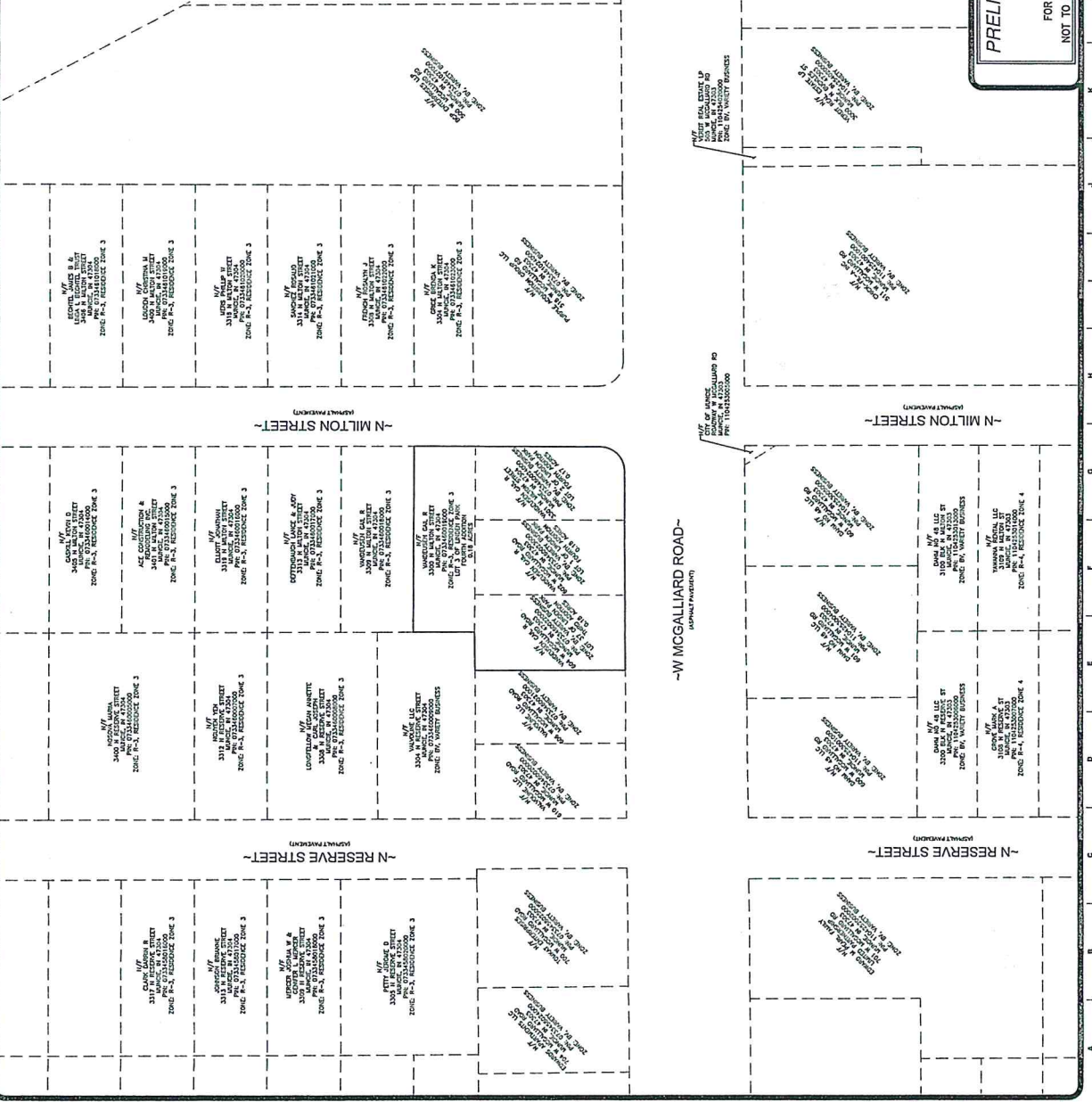
SP-2
WORKING COPY

PRELIMINARY DRAWING
FOR REVIEW PURPOSES ONLY
NOT TO BE USED FOR CONSTRUCTION



103 EAST STREET
MUNCIE, INDIANA 47306-1101
TELEPHONE (317) 231-1171

The contractor shall verify and implement all boundary lines shown on this map. The contractor shall verify and implement all boundary lines shown on this map. The contractor shall verify and implement all boundary lines shown on this map.



-W MCGALLIARD ROAD-
(UNIMPROVED)

-N MILTON STREET-
(UNIMPROVED)

-N RESERVE STREET-
(UNIMPROVED)

-N MILTON STREET-
(UNIMPROVED)

-N RESERVE STREET-
(UNIMPROVED)

Recorded this day of 19 at o'clock M Recorder

Warranty Deed

THIS INDENTURE WITNESSETH, That Charles P. VanDeusen and Betty Sue VanDeusen, his wife,

12648

of Delaware County, in the State of Indiana, DO HEREBY Convey and Warrant to Gail R. VanDeusen and Sandy VanDeusen, husband and wife,

of Delaware County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration

the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

Lots numbered two (2) and three (3) in Linden Park Fourth Addition, an Addition to the City of Muncie, Indiana, as recorded in Plat Book 8 page 10, in the office of the Recorder of Delaware County, Indiana.

Unit Tax Numbers 1526870 and 1526869 AB

As a part of the consideration for this conveyance, the grantees herein assume and agree to pay the 1972 taxes due and payable in the year 1973, and all subsequent taxes and assessments becoming a lien against said real estate.

This conveyance is made subject to all zoning restrictions imposed upon said real estate by the Common Council of the City of Muncie, Indiana, and subject also to the restrictions contained in the recorded plat of said addition and to all other restrictions and easements of record.

As a part of the consideration for this conveyance, the grantees herein assume and agree to pay the unpaid balance of a certain mortgage for the principal sum of \$11,950.00 in favor of Colonial Mortgage Company, Inc., which said mortgage is recorded in mortgage record 260 pages 499-502 in the office of the Recorder of Delaware County, Indiana, which said mortgage was assigned to Metropolitan Life Insurance Company on April 6, 1964.

The grantor herein, Charles P. VanDeusen represents and warrants that he is the same person as Charles VanDeusen who was the grantee in a certain deed recorded in Deed Record 456 page 241.

In Witness Whereof, The said Charles P. VanDeusen and Betty Sue VanDeusen, his wife,

Duly entered for taxation Dec 26 19 72 JERRY L THORNBURG, Auditor, Filed for Record Dec 26 19 72 at 11:11 AM year 1972 Page 5713 Fee \$2.50 paid.

Alvin Sullivan R.D.C.

have hereunto set their hands and seals, this 22nd day of December 19 72

(Seal) Charles P. VanDeusen (Seal) (Charles P. VanDeusen)

(Seal) Betty Sue VanDeusen (Seal) (Betty Sue VanDeusen)

STATE OF INDIANA, DELAWARE COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County, this 22nd day of December, 1972, came Charles P. VanDeusen and Betty Sue VanDeusen, his wife, and

acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

My Commission expires July 11, 1976

Gladys A. Borders Notary Public

This instrument prepared by: Jon H. Moll.

04822

QUITCLAIM DEED

DEED 1984 2169

THIS INDENTURE WITNESSETH, That SANDY VANDEUSEN (Grantor) of Delaware County in the State of Indiana QUITCLAIMS to GAIL R. VANDEUSEN whose mailing address is R.R. #11, Box 219, Muncie, Indiana 47302 of Delaware County, Indiana for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, Indiana:

Lot numbered two (2) and three (3) in Linden Park Fourth Addition, an Addition to the City of Muncie, Indiana, as recorded in Plat Book 8 page 10, in the office of the Recorder of Delaware County, Indiana.

Unit Tax Numbers: 1526780 and 1526869

Subject to any and all outstanding mortgages or other liens, taxes, and assessments, restrictions, conditions, or limitations and recorded easements.

This conveyance is made pursuant to a certain Decree of Dissolution of Marriage, In Re The Marriage of Sandra R. VanDeusen and Gail R. VanDeusen, Cause No. 83/618, in Delaware Circuit Court, Delaware County, Indiana, dated April 5, 1984.

IN WITNESS WHEREOF, the Grantor has executed this deed, this

21st day of June, 1984.

Sandy VanDeusen
Sandy VanDeusen

STATE OF Indiana)
COUNTY OF Delaware) SS

Before me, a Notary Public in and for said County and State personally appeared Sandy VanDeusen, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21st day of June, 1984. My Commission expires January 9, 1984.

Kenneth P. Schuck
Kenneth P. Schuck, Notary Public
residing in Delaware County, IN

This instrument was prepared by: Kenneth P. Schuck, Attorney at Law.

Duly entered for taxation June 21, 1984
Jack Donati, Auditor, Filed for Record
June 21, 1984 at 1:30 P.M. in
Record 2169 Page 2169 Fees 5.00 Paid

DELAWARE COUNTY RECORDER 1984R04822 PAGE 1 OF 1

Duly Entered For Taxation

JUN 26 1984

THIS DAY OF June 1984
Paul Donati Auditor
DELAWARE COUNTY INDIANA



Recorded this _____ day of _____ 19____ at _____ School _____ Recorder

55147

Warranty Deed

THIS INSTRUMENT WITNESSETH That Homer Ditton, sole and unmarried,

of Delaware County, in the State of Indiana Convey and Warrant
to Gail R. Van Deusen

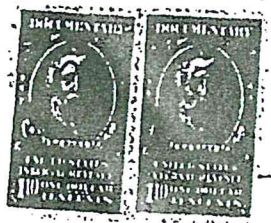
of Delaware County, in the State of Indiana, for and in consideration of the sum of
One dollar (\$1.00) and other valuable considerations

the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County,
in the State of Indiana, to-wit:

Lot numbered one (1) in Linden Park Fourth Addition, an addition to the City
of Muncie, Delaware County, Indiana.

Grantees herein assume and agree to pay the 1965 taxes due and payable in
1966, and thereafter.

Subject to the restrictions, conditions and limitations as set forth in the
plattng of Linden Park Fourth Addition.



Duly entered for taxation Mar 30, 1966
ROBERT W. HART, Auditor, Filed for Record
3-30-1966 Deed Record 462
Page 142 Fee \$ 2.25 Paid. ALEEN SULLIVAN, R.D.

In Witness Whereof, The said Homer Ditton, sole and unmarried

has hereunto set his hand and seal, this 28th day of March 19 66.

Homer Ditton (Seal) _____ (Seal)
(Homer Ditton) _____ (Seal)
_____ (Seal) _____ (Seal)
_____ (Seal) _____ (Seal)

STATE OF INDIANA, DELAWARE COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County, this
28th day of March 19 66, came
Homer Ditton, sole and unmarried,

and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

My Commission expires Dec. 11, 1968

Karen Horton Notary Public
(Karen Horton)

This instrument prepared by:

THIS INDENTURE WITNESSETH, That SANDRA R. VANDEUSEN (Grantor) of Delaware County in the State of Indiana QUITCLAIMS to GAIL R. VANDEUSEN whose mailing address is R.R. #11, Box 219, Muncie, IN 47302 of Delaware County, Indiana for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, Indiana:

Lot Numbered one (1) in Linden Park Fourth Addition, an addition to the City of Muncie, Delaware County, Indiana. v/t

Unit Tax Number: ~~15-13301~~ 15-26868

Subject to any and all outstanding mortgages or other liens, taxes, and assessments, restrictions, conditions, or limitations and recorded easements.

This conveyance is made pursuant to a certain Decree of Dissolution of Marriage In Re The Marriage of Sandra R. VanDeusen and Gail R. VanDeusen, Cause No. 83/618, in Delaware Circuit Court, Delaware County, Indiana, dated April 5, 1984.

IN WITNESS WHEREOF, the Grantor has executed this deed, this 21st day of June, 1984.

Sandra R. VanDeusen
Sandra R. VanDeusen

STATE OF Indiana)
) SS
COUNTY OF Delaware)

Before me, a Notary Public in and for said County and State personally appeared Sandra R. VanDeusen, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21st day of June, 1984. My Commission expires January 9, 1984.



Duly Entered For Taxation

JUN 26 1984

Jack Donatelli
DELAWARE COUNTY, INDIANA

Kenneth P. Schuck
Kenneth P. Schuck, Notary Public
residing in Delaware County, IN

Duly entered for taxation June 21, 1984
Jack Donatelli, Auditor, Filed for Record
June 21, 1984 at 1:30 p.m.
Record 183 Page 1188 Fees \$5.00 Paid
R.D.C.
Sandra R. VanDeusen

WARRANTY DEED

16547

THIS INDENTURE WITNESSETH, That

William H. Whitaker and Rena Whitaker, his wife,

of Delaware County, in the State of Indiana convey and Warrant to

Gail R. Van Deusen and Sandy Van Deusen, husband and wife,

of Delaware County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

Lot numbered thirty-seven (37) in Lindey Park Third (3rd) Addition, an Addition to the City of Muncie, Indiana.

granted assume and agree to pay taxes for 1965, due and payable in 1965, and all taxes and assessments levied against said real estate hereafter.

Duly entered for taxation Jul 24 1965
by NORBERT W. HART, Auditor, Filed for Record
2-26-1965 Date Record 455-
Page 134 Fee \$2.00 Paid. LEEN SULLIVAN, R.O.C.



In Witness Whereof, This deed has been executed by the undersigned grantors on JUL 23 1965

William H. Whitaker

William H. Whitaker

Rena Whitaker

Rena Whitaker

State of Indiana, Delaware County, ss:

Before the undersigned Notary Public in and for said State, on JUL 23 1965
personally appeared the above named grantors and acknowledged the voluntary execution of the foregoing deed.

My commission expires:

H. Mae Terschell

Notary Public

THIS INSTRUMENT PREPARED BY WALTER D. WHITE, ATTORNEY, 141 CHARLES ST., MUNCIE, IND.

H. MAE TERSHELL, Notary Public
My Commission Expires October 31, 1966

DEED 1984 2167

04820 QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That SANDY VANDEUSEN (Grantor) of Delaware County in the State of Indiana QUITCLAIMS to GAIL R. VANDEUSEN whose mailing address is R.R. #11, Box 219, Muncie, IN 47302 of Delaware County, Indiana for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, Indiana:

Lot numbered thirty-seven (37) in Linden Park Third (3rd) addition, an Addition to the city of Muncie, Indiana.

15-26867

Subject to all recorded restrictions, conditions and limitations.

Subject to any and all outstanding mortgages or other liens, taxes, and assessments, restrictions, conditions, or limitations and recorded easements.

This conveyance is made pursuant to a certain Decree of Dissolution of Marriage In Re The Marriage of Sandra R. VanDeusen and Gail R. VanDeusen, Cause No. 83/618, in Delaware Circuit Court, Delaware County, Indiana, dated April 5, 1984.

IN WITNESS WHEREOF, the Grantor has executed this deed, this

21st day of June, 1984.

Sandy VanDeusen
Sandy VanDeusen

STATE OF *Indiana*)
) SS
COUNTY OF *Delaware*)

Before me, a Notary Public in and for said County and State personally appeared Sandy VanDeusen, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21st day of June 1984. My Commission expires January 9, 1984.

Kenneth P. Schuck
Kenneth P. Schuck, Notary Public
residing in Delaware County, IN

This instrument was prepared by: Kenneth P. Schuck, Attorney at Law.



Duly entered for taxation *June 26 1984*
Jack Donaji, Auditor, Filed for Record
June 27 1984 at *8:30 A.M.* in
Record *1984* Page *2167* Fees *5.00* Paid

Duly Entered For Taxation

JUN 26 1984

Donna J. Ashby R.D.C.
DELAWARE COUNTY RECORDER 1984R04820 PAGE *1*
Jack Donaji
DELAWARE COUNTY INDIANA